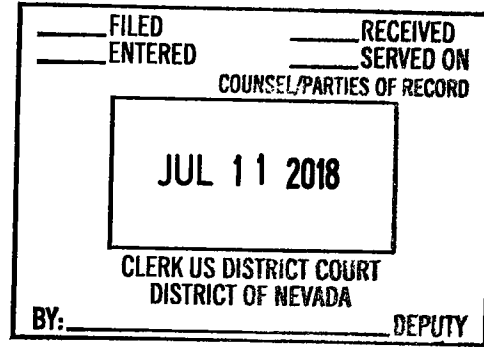


Omar Qazi

N.S.D.C.

2190 E. Mesquite Ave.

Pahrump, Nevada



UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

v.

Omar Qazi

Accused.

Case No. 2:15-cr-00014-APG-VCF

RESPONSE TO CORECIVIC'S BRIEF

(DKT.# 449)

Certification: This Response is being filed timely.

COMES NOW, *Omar Qazi*, Sui Juris and by Special Appearance, hereby filing a Response to CoreCivic's Brief (Dkt.# 449). This Response is based on the following Memorandum of Points and Authorities, and any other evidence or oral argument the Court will entertain as a matter of Due Process.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **ARGUMENT**

4 The attorney-client privilege is the oldest and arguably most fundamental of the common law
5 privileges recognized under Federal Rule of Evidence 501. See *United States v. Zolin*, 491 U.S. 554, 562
6 (1989); See also *Gomez v. Vernon*, 255 F.3d 1118, 1131 (9th Cir. 2001) (The attorney-client privilege has
7 been recognized as "the oldest of the privileges for confidential communications known to the common
8 law.") (quoting *Upjohn Co. v. United States*, 449 U.S. 383, 389, 66 L. Ed. 2d 584, 101 S. Ct. 677 (1981));
9 *In re Grand Jury Proceedings*, 162 F.3d 554, 556 (9th Cir. 1998) ("The attorney-client privilege is not
10 only the oldest privilege known to the common law, but the attorney-client privilege is also, perhaps, the
11 most sacred of all legally recognized privileges, and its preservation is essential to the just and orderly
12 operation of our legal system.")

13 CoreCivic's brief argues that the attorney-client privilege should not extend to a litigant
14 representing himself. However, there appears to be no settled authority on this matter. But, in support of
15 CoreCivic's argument, they concede that this privilege would generally extend to third parties. Their is
16 no doubt that I am acting as my own attorney in this case, and the third parties in this case are all court
17 appointed individuals. The communication held with these individuals relates to the defense's strategies,
18 theories and tactics, which does not need to be disclosed. The attorney-client privilege should extend to a
19 litigant representing himself.

20 Additionally, the disclosure of these communications would also violate the Due Process Clause
21 of the Fifth Amendment, and "[b]ecause the Fifth Amendment's protection against testimonial self-
22 incrimination may be threatened by the act of disclosure of legal files, that constitutional guarantee also
23 supports the clients' legitimate expectations of privacy." *DeMassa v. Nunez*, 770 F.2d 1505, 1507 (9th
24 Cir. 1985); See also *Bittaker v. Woodford*, 331 F.3d at 723, n.7. (9th Cir. 2003) (en banc), holding that
25 the Constitution's guarantees of due process of law would lose most of it's substance "if the
26 Government can with impunity place a secret agent in a lawyer's office to inspect the confidential
27 papers of the defendant and his advisers, to listen to their conversations, and to participate in their . . .
28 defense." (ellipsis added)

1 denying CoreCivic's Brief (Dkt.# 449), precluding CoreCivic from recording phone calls with the third
2 parties in this case (Paralegal, CJA appointed investigator and DNA expert).


3 I declare under penalty of perjury under the law of the state of Nevada that the foregoing is true
4 and correct, and that this document is executed without the benefit of a notary pursuant to NRS 208.165,
5 as I am a prisoner confined in a private prison within this state of Nevada.

6 Executed on July 07, 2018.

7 Respectfully submitted,

8 All Rights Reserved and Without Prejudice,

9 *Omar Qazi*

10 Signed: 

CERTIFICATE OF SERVICE

I hereby certify that on July 09, 2018, I mailed my Response to CoreCivic's Brief (Dkt.# 449), to the following:

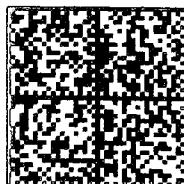
Clerk of the Court
Lloyd D. George U.S. Courthouse
333 Las Vegas Blvd. South, Rm. 1334
Las Vegas, Nevada

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